

U.S. Department of Justice

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New York, New York 10007

July 9, 2008

By HandHon. Theodore H. Katz
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007**MEMO ENDORSED**Re: Gricelda Nunez v. Astrue
08 Civ. 0099 (DAB) (THK)**USDC SDNY
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DATE FILED: 7/15/08**

Dear Judge Katz:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an adjournment nunc pro tunc of the Court's briefing schedule.

Because of a delay in the production of the administrative record for this case, defendant requested an adjournment of the Court's scheduling order. Under the new schedule, defendant was to answer and move by June 30, 2008, plaintiff's brief in opposition and in support of a cross-motion was due by July 30, 2008, defendant's reply, if any, was due by August 13, 2008, and plaintiff's reply, if any, was due by August 27, 2008. When entering the new dates on my calendar, however, I mistakenly wrote that defendant's answer was due on June 30, 2008, and his brief in support of his motion for judgment on the pleadings was due on July 30, 2008. I apologize to the Court and plaintiff for this error. In reviewing this matter further, I encountered an issue that resulted in me asking for further information from the Social Security Administration. In particular, I have asked the agency to specifically address an issue, which may result in a change of the defendant's litigation position in this action. For the foregoing reasons, I respectfully request that the Court adopt the following proposed briefing schedule:

Defendant's brief in support of his motion is due by July 30, 2008.

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Plaintiff's brief in opposition and in support of a cross-motion is due by August 29, 2008.

Defendant's reply, if any, is due by September 12, 2008.

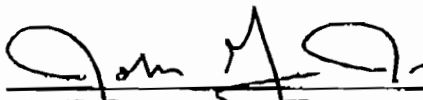
Plaintiff's reply, if any, is due by September 26, 2008.

We thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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cc: Herbert Forsmith, Esq.
(By Fax)

*The schedule set forth
above is approved.*

SO ORDERED

7/15/08


THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

MEMO ENDORSED